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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 16TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE V.K.SINGHAL

WRIT PETITION NO. 17867 OF 1998

BETWEEN:

M/s K.Vishwanath Subraya Kamath & Sons,  
Cashew Factory, Padavu  
p.o. Shakthinagar,  
Mangalore-16.

by its Parnter, K.Jayaram Kamth.

..Petitioner.

(By M/s Kamath & Kamath)

AND:

1. The Commissioner of Commercial Taxes  
Commercial Taxes Building,  
Kalidasa Marg, Gandhinagar,  
Bangalore-9.

2. The Deputy Commissioner of Commercial  
Taxes (Assessments-IX),  
Mangalore, Maidan Road,  
Mangalore-1.

..Respondents.

(By Smt. S.Sujatha, HCGP)

Writ Petition is filed under Articles 226 of the Constitution of India with an affidavit praying to direct the R-1 to refund to the petitioner a sum of Rs.12,74,991-47 as per the Government Order No. FD 49 CSL Pursuant to the Application dt.16.10.96 (Ann.B) made by the petitioner etc.,

Writ Petition is coming on for Preliminary Hearing this day, the Court made the following:

O R D E R

Facts with regard to the quantum of refund claimed in this petition are disputed one.

Learned Counsel for the petitioner submitted that the assessing authority has already referred the matter to the Commissioner.

Petitioner shall appear before the Commissioner on 29.6.1998, who will pass the order in accordance with law.

No case for interference is made out. Petition stands dismissed.

Sd/-JUDGE.

HK

r.by: ✓

c.by: 20/8/98

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Assistant Registrar  
High Court of Karnataka,  
Bangalore-560 001.

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